

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 3004 OF 2004

Vijay Devraj Gupta & Ors. .. Petitioners

V/s

Ashok Devraj Gupta & Ors. .. Respondents

Mr. Anil Singh with Mr. D.R. Shah for the Petitionrs.

Mr. K.K.V. Kurup for Respondents Nos.1 to 3.

Ms. A.K. Savla for Respondent No.5.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 1ST FEBRUARY 2005

P.C. :

1. Heard the learned counsel for the parties.
2. The Petitioner No.1 and Respondent No.1 are brothers. The Petitioners sought a division of Flat No.31-B which both these brothers are jointly occupying. They are staying in separate parts of that flat. An application was made to the Municipal Corporation that necessary alterations / regularisation be permitted. Ms.Savla for Respondent No.5 Corporation has pointed out that a letter was written to the 2nd Petitioner on 27th July 2004 calling for some documents which includes a true extract of the certified plan and NOC from the owner. The Petitioners should make available this information whereupon the concerned Assistant Engineer

(Building Proposal) will also issue a notice to Respondent No.1 and then decide whether such an alteration or regularisation should be granted. This is not a matter where the writ court should interfere. Petition is, therefore, rejected. The Assistant Engineer (Building Proposal) will take necessary decision within 3 months.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)